

## **REMARKS**

### **Status of the Claims**

- Claims 6, 8-11, and 23-25 are pending in the application.
- Claims 1-5 and 12-22 are withdrawn from consideration.
- Claims 6, 9, and 23 are amended.

### **Claim Rejections Pursuant to 35 U.S.C. §102**

Claims 23 and 25 stand rejected pursuant to 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,095,500 to Tayloe et al. (Tayloe). Applicant respectfully traverses the rejection.

Tayloe discloses a system and method of evaluating the radio coverage of a geographic area serviced by a digital cellular radiotelephone communication system which comprises a plurality of base stations each having a transmitter and a receiver and a plurality of mobile units having co-located transmitters and receivers for transmitting and receiving communication message signals between the base stations and a mobile unit. During operation, the position of at least one of the mobile units operating within the geographic area is located when a call is received by a base station. The base station monitors the signal quality of the call and collects information relevant to the actual performance of the communication system. The mobile unit location and corresponding signal quality data are passed from the base station to a central operation and maintenance unit which collects the data, performs all necessary analytic and arithmetic computations, and provides a user-friendly representation of the characteristics of the radio coverage. With this representation of the radio coverage characteristics, the system operator can quickly and efficiently diagnose coverage deficiencies and take the necessary corrective action. (See Tayloe, Abstract)

Applicant amends independent Claim 23 to include a communications switch comprising an enhanced 911 technology function and a mobile switch, wherein the mobile switch captures call data and the enhanced 911 technology function captures the location data, the enhanced 911 technology function creating record links between the call data and the location data. Applicant finds support for this amendment in Figure 5 and paragraph 0036 of the as-filed application.

Tayloe fails to teach using an enhanced 911 technology function in the communication switch to meet the enhanced 911 location resolution requirements and to capture location data and create a link between the call data and the location data. Accordingly, Applicant respectfully requests withdrawal of the 35 U.S.C. §102(b) rejection of Claim 23 and its dependent Claim 25 because all element of the claims are not taught by Tayloe. Applicant respectfully submits that amended Claim 23 and thus Claim 25 patentably defines over the cited art.

**Claim Rejections Pursuant to 35 U.S.C. §103 (a)**

Claims 6, 8-11, and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 5,095,500 to Tayloe et al. (Tayloe) in view of U.S. Patent No. 6,522,888 to Garceran et al. (Garceran). Applicant respectfully traverses the rejection.

The teachings of Tayloe are discussed briefly above. Garceran teaches a system for determining coverage in a wireless communications systems that uses location information for a wireless unit and collects information on communications between the wireless unit and the wireless communications system in association with the location information. The wireless communications system determines and/or receives location information for the wireless unit along with other information associated with the location information. The information by location can be used to represent the coverage of a geographic region. (See Garceran, Abstract)

Applicant amends independent Claim 6 to indicate that a call performance characteristic is specified in the query originating from the mobile switch center and an enhanced 911 function. Applicant amends independent Claim 9 to indicate that call data is captured by a mobile switch function and the location data is captured by an enhanced 999 technology function and that the link between the call data and the location data is generated in the enhanced 911 technology function. Applicant finds support for the amendments in paragraphs 0031 and 0036 and Figure 5 of the as-filed application.

Applicant respectfully submits that neither Tayloe nor Garceran, considered either separately or combined, teach or suggest the amended subject matter in amended independent Claims 6 and 9. Since the combination of Tayloe and Garceran fails to teach or suggest all of

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the elements of independent Claims 6 and 9, then the combination cannot render obvious pending independent Claims 6 and 9 and their respective dependent claims under 35 U.S.C. §103(a).

Applicant respectfully requests withdrawal of the 35 U.S.C §103(a) rejection of Claims 6, 8-11, and 24 because the currently amended pending claims patentably define over the cited art.

### **Conclusion**

Applicant respectfully requests withdrawal of the rejections in light of the arguments and amendments provided above. A Notice of Allowance is respectfully requested for all pending claims because these claims patentably define over the cited art as discussed above.

Respectfully Submitted,

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/Jerome G. Schaefer/

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